RESPONSE UNDER 37 CFR § 1.116 EXPEDITED PROCEDURE EXAMINING GROUP 1654

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: BIS-043/CIP (BI-0004US.P1)

Inventor: Simons and Gao

,

Filing Date: October 25, 1999

Examiner: Teller, Roy R.

Customer No.: 26259

Group Art Unit: 1654

Confirmation No.: 1306

Title: Method for PR-39 Peptide Regulated

09/426,011

Stimulation of Angiogenesis

Electronically Submitted via EFS-Web Date: July 6, 2006

Serial No.:

I hereby certify that this paper is being electronically submitted on the date indicated above to the Commissioner for Patents, U.S. Patent & Trademark Office (AF).

By Creditable V Typed Name: Jane Massey Licata, Reg. No. 32,257

Commissioner for Patents U.S. Patent & Trademark Office (AF)

INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. \$1.56 and in accordance with 37 C.F.R. \$\$1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. \$1.56(b).

- () In accordance with \$1.97(b), since this information Disclosure Statement is being filed either within three months of the filing date of the above-identified application, within three months of the date of entry into the national stage of the above identified application as set forth in \$1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, no additional fee is required.
- () In accordance with \$1.97(c), this Information Disclosure Statement is being filed after the period set forth in \$1.97(b) above but before the mailing date of either a Final Action under \$1.113 or a Notice of Allowance under \$1.311, therefore:
 - () Certification in Accordance with \$1.97(e) is set forth below; or
 - () The fee of $\$\underline{180.00}$ as set forth in \$1.17(p) is attached.
- (XX) In accordance with \$1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under \$1.113 or a Notice of Allowance under \$1.311 but before the payment of the Issue Fee, therefore, included is a Petition Requesting Consideration of the Information Disclosure Statement and the fee of \$130.00 as set forth in \$1.17(i)(1).
- () Copies of each of the references listed on the attached Form PTO-1449 (modified) are enclosed herewith.

(XXX) In accordance with \$1.98(d), copies of all of the references listed on the attached Form FTO-1449 (modified) are not enclosed herewith because they were previously submitted to the U.S. Patent and Trademark Office in prior application Serial No. 09/276,868 filed March 26, 1999 for which a claim for priority under 35 U.S.C. 3120 has been made in the instant application.

Please charge any deficiency or credit any overpayment to Deposit Account No. 50-1619. This form is submitted in duplicate.

- () The relevance of the listed references in a foreign language is as stated in the specification at pages @@.
- (XX) All listed references are in the English language.

Respectfully submitted,

Jackeyland

Jane Massey Licata Registration No. 32,257

Date: <u>July 6, 2006</u>
Licata & Tvrrell P.C.

66 E. Main Street Marlton, New Jersey 08053

(856) 810-1515

Sheet 1 Form PTO-1449 O.S. DEPARTMENT OF COMMERCE ATTY, DOCKET NO. (REV. 8-83) BI-0004US.P1 Not vet assigned APPLICANT INFORMATION DISCLOSURE CITATION M. Simons & Y. Herewith Not yet assigned (Use several sheets if necessary) U.S. PATENT DOCUMENTS · EXAMINER CLASS SUBCLASS IF APPROPRIATE DATE 108 Synthetic Antimicrob 1995 FOREIGN PATENT OCCUMENTS DATE COUNTRY CLASS SUBCLASS YES T NO OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) Gerads et al., Cell Mol. Life Sci. 54:253-262 (1998): Gerads et al., J. Mol. Biol. 275:113-121 (1998); Baumeister et al., Cell 92:367-380 (1998).

*EXAMINER: Initial if citation considered, whether or not citation is in conferences with MPEP 609, Draw line through citation if not in conferences and not considered, Include case of his form with next communication to explicate.

DATE CONSIDERED

EXAMINER